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## **Hong Kong**

**Post:** Hong Kong

### **U.S. Seafood Exports Affected by New Certification Requirements**

**Report Categories:**

Agriculture in the News  
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Sanitary/Phytosanitary/Food Safety  
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**Report Highlights:**

The new Food Safety Bill will require the U.S. government to issue health certificates for meats, poultry

eggs and seafood exports to Hong Kong through its two Subsidiary Regulations. For U.S. exports, the new bill will primarily impact U.S. seafood exports because previous agreements already satisfy certification requirements for meats and eggs. A protocol for certification requirements for U.S. seafood exports to Hong Kong is yet to be discussed. The Hong Kong Government (HKG) plans to introduce the Bill to the Legislative Council for discussion in June 2010. The two Subsidiary Regulations are expected to be introduced soon after the enactment of the Food Safety Bill itself.

The HKG notified World Trade Organization (WTO) members of its intention to enact its Food Safety Bill under notifications G/SPS/N/HKG/33 and G/TBT/N/HKG/35 dated March 26, 2010 and March 30, 2010 respectively. It invited WTO members to comment on a consultation paper on the proposed Bill before May 25, 2010. Industry is encouraged to submit their views to the HKG at the following address (with a copy sent to ATO Hong Kong at [atohongkong@usda.gov](mailto:atohongkong@usda.gov)):

Food Branch  
Food and Health Bureau  
20/F, Murray Building  
Garden Road  
Hong Kong  
Fax: +852 2136 3281  
E-mail: [enquiry@fhb.gov.hk](mailto:enquiry@fhb.gov.hk)

Details of the Food Safety Bill are available in a government paper linked at: [http://www.fhb.gov.hk/download/press\\_and\\_publications/consultation/080121\\_food/e\\_food\\_safety\\_bill.pdf](http://www.fhb.gov.hk/download/press_and_publications/consultation/080121_food/e_food_safety_bill.pdf)

### Impact on U.S. Exports to Hong Kong

The proposed Food Safety Bill will empower the Director of Food and Environmental Hygiene Department (FEHD) to make Regulations on the import control of specific food types. The HKG plans to introduce two Subsidiary Regulations after the enactment of the Bill, one imposing certification requirements for aquatic products and another for meat and poultry eggs.

#### *Certification for Aquatic Products*

The proposed Food Safety Bill will have an effect on U.S. aquatic exports, as it will require a mandatory health certificate for those products to enter Hong Kong. Discussions between the U.S. and Hong Kong governments on health certification requirements for seafood products are warranted in order not to hinder U.S. exports to Hong Kong. The U.S. exported \$57 million worth of chilled and frozen seafood products to Hong Kong in 2009.

Currently, while it is not mandatory to provide health certificates for seafood products, some Hong Kong importers do request U.S. exporters to provide health certificates for marketing and expediting import procedure purposes. Importers indicated that most certificates provided by U.S. exporters are those issued by individual state governments. Given the absence of legislative requirements in Hong

Kong presently, certificates used to accompany U.S. shipments vary in the format with different attestation language and issuing authority, depending on the state from which the products originate.

The HKG has not indicated officially whether it will continue to accept U.S. federal/state issued health certificates for seafood products, with varying format and attestation language, in the context of the new Subsidiary Regulation.

The HKG plans to require aquatic shipments, including cultured live or unprocessed aquatic products, be accompanied by health certificates through a Subsidiary Regulation. (Unprocessed aquatic products would cover aquatic foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground cut, cleaned, trimmed, milled, chilled, frozen, deep frozen or thawed.)

For certain high risk aquatic products, such as ready-to-eat raw oysters which U.S. exported \$7 worth in 2009, not only health certificates are required, importers have to obtain an import permit issued by FEHD, and to notify FEHD before each consignment arrives. The permit should not be a problem because the application of which is tied with the registration of “importer status”. There is no additional cost other than the registration fee of HK\$195 (US\$25) for a term of three years. (Importer registration is required under the Bill, which will be discussed in other section of the report.)

Wild catch aquatic products need to be accompanied by self-declaration recording details of the catch.

### *Certification Requirements for Meats and Poultry Eggs*

A new Subsidiary Regulation imposing import control on meats and poultry eggs should not affect U.S. products because previous agreements should satisfy certification requirements for these two product categories.

U.S. meat exports to Hong Kong will not be subject to any additional import control measures resulting from the enactment of the new Regulation because they already have similar certification requirements under the existing food regulation. The existing meat regulation will be amended and transferred to the new Subsidiary Regulation.

The new Regulation will require egg shipments be accompanied by health certificates. U.S. trade in eggs is not likely to be significantly affected because the U.S. and Hong Kong governments reached a protocol for certification requirements in 2008 and the trade has been providing health certificates on a voluntary basis since then, in anticipation of the new Food Safety Bill.

### *Background of the Bill*

The HKG revealed in 2007 its intention to introduce a Food Safety Bill to strengthen its food safety control after a series of food contamination incidents. For example, “Sudan Dye” was found in Chinese eggs, and malachite green was found in freshwater fish exports to Hong Kong in late 2006. More recently in 2008, Hong Kong was hit by unexpected melamine contamination incidents

associated with dairy products imported from Mainland China.

The proposed Food Safety Bill also covers the following areas (ATO does not expect these measures to significantly impact U.S. exports to Hong Kong):

- **Mandatory Registration Scheme for Food Importers and Distributors**

Food importers and distributors are required to register with the food safety authority, FEHD. The purpose of the registration scheme is to facilitate communication between food traders and the government in case of food incidents. The estimated fee for registration and renewal of registration for a three-year term will be HK\$195 (US\$25) and HK\$180 (US\$23) respectively.

- **Record-keeping Requirement**

All food importers, distributors and retailers will be required to keep supply source records. Importers and distributors will also be required to keep records on the distribution of their products. This measure aims to strengthen food traceability in case of food incidents. While there is no specific format required for record-keeping purposes, the records have to include information on the date of the transaction; the name and contact of the supplier and buyer; the place from which the food is imported; and food description including the total quantity.

Hong Kong importers should have no problem in obtaining such information for record keeping purposes in connection with U.S. products. This measure is not expected to have any adverse impact on U.S. food exports to Hong Kong.

- **Mandatory Food Recall**

The existing food regulation already stipulates mandatory food recalls, which came into effect on May 2009, swiftly after the outbreak of the melamine incident in dairy products. This food recall regulation will be transferred to the proposed new Food Safety Bill.

The mandatory food recall does not have significant impact on U.S. exports because the HKG has always been able to “advise” retailers to voluntarily remove problematic food stuffs from retail shelves even when there was no legislative back-up for mandatory food recall.